

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 were pending in this application. No claims have been amended, no claims have been canceled, and no claims have been added herein. Therefore, claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 are now pending in this application. Applicants request reconsideration of these claims for at least the reasons presented below.

35 U.S.C. § 112 Rejections

The Final Office Action has rejected claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Also, the Final Office Action has rejected claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission purportedly amounting to a gap between the elements.

More specifically, both of these rejections are based on the use of the phrase "Identity System" in the claims. The Office Action argues that "independent claims 1, 16, and 27 include the phrase 'identity system', a phrase that appears throughout the specification but fails to be defined" and that "because the phrase is not one commonly used, the Examiner is unsure of what Applicant means by 'identity system'." The Office Action further argues that the alleged failure to define the phrase Identity System in terms of elements or components amounts to a gap between the elements of the claims rendering the claims incomplete. The Applicants respectfully traverse these rejections for at least the following reasons.

The Applicants respectfully note that MPEP §2173.01 states in part:

"A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification."

Also, MPEP §2111.01 states in part "[w]here an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. (citing *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings").) Furthermore, MPEP §2173.05(a) states in part "The meaning of every term used in a claim should be apparent from the prior art **or from the specification and drawings at the time the application is filed.**" (emphasis added)

The Applicants respectfully submit that the phrase Identity System appears throughout the specification, as noted by the Office Action, precisely because a significant portion of the rather lengthy detailed description of the pending application relates to the Identity System, the components comprising the Identity System, and the functions performed thereby. The Applicants also respectfully contend that this description is more than sufficient to allow one skilled in the art to determine the meaning of the phrase "Identity System." For example, page 9, lines 11-12 introduce the phrase "Identity System" by stating that "the identity management portion of the system (hereinafter 'the Identity System') manages identity profiles." The Applicants respectfully submit that this definition alone, i.e., the Identity System is a system that manages identity profiles, would be sufficient for one skilled in the art to understand the meaning of the phrase.

However, this is not all that the detailed description offers. For example, the application provides illustration of a system including an Identity System. (see FIG. 1) The accompanying description begins prior to page 11, line 28 and extends at least to page 14, line

21. This portion of the detailed description introduces the Identity System, the components of the Identity System, and the functions performed thereby. For example:

"The Identity System includes Web Pass 38, Identity Server 40 and Directory Server 36. Identity Server 40 manages identity profiles. An identity profile is a set of information associated with a particular entity (e.g. user, group, organization, etc.). The data elements of the identity profile are called attributes, which are discussed in more detail below. An attribute may include a name, value and access criteria. The Identity Server includes three main applications, which effectively handle the identity profiles and privileges of the user population: User Manager 42, Group Manager 44, and Organization Manager 46. User Manager 42 manages the identity profiles for individual users. Group Manager 44 manages identity profiles for groups. Organization Manager 46 manages identity profiles for organizations. Identity Server 40 also includes Publisher 48, an application that enables entities to quickly locate and graphically view information stored by Directory Server 36. In one embodiment, Web Pass 38 is a Web Server plug-in that sends information back and forth between Identity Server 40 and the Web Server 20, creating a three-tier architecture. The Identity System also provides a Certificate Processing Server (not shown in Figure 1) for managing digital certificates." (page 11, line 28 - page 12, line 12)

Subsequent portions of the description go on to discuss the user manager (for example, page 12, line 13 - page 13, line 13, Figure 8, and page 27, line 1 - page 28, line 6), the group manager (for example, page 13, line 14 - page 14, line 6, Figure 9, and page 28, lines 7-30), and the organization manager (for example, page 14, lines 7-21, Figure 10, and page 29 lines 1-28) of the Identity System.

Therefore, the Applicants respectfully submit that the detailed description clearly defines the Identity System as a system that manages identity profiles. Furthermore, based on the portions of the description quoted and cited above, as well as large portions of the rest of the detailed description, one skilled in the art can readily understand the meaning of an identity system and an identity profile.

It is noted that the Office Action has pointed to examples offered by the detailed description of identity information that may be managed by the Identity System as being vague and indefinite. More specifically, the Office Action quotes a description of some exemplary identity information and argues that the use of phrases such as "for example", "may include", and "can also" makes the quoted examples vague and indefinite. While the Office Action may make a valid point about the use of terms such as "for example" or "may include" if the terms were used in a claim, this is not the case. Rather, the Applicants respectfully submit that such examples in the detailed description actually help to more clearly illustrate the meaning of identity information, i.e., information, such as a name, that identifies the entity to which it relates.

Finally, the Applicants respectfully point out that rather than attempting to argue unclaimed limitations, the above arguments are directed solely to defining the phrase to which the Office Action objects. As described in detail above, the Applicants respectfully submit that the objected to phrases are in fact clearly defined in the specification as filed and therefore the use of the phrases in the claims is not indefinite when properly read in light of the specification. Therefore, the Applicants respectfully submits that the rejection is improper and requests that it be withdrawn.

35 U.S.C. § 102 Rejection, Patel

The Office Action has rejected claims 1, 3-14, 16, 18-25 27, 29-36 and 38-52 under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,438,690 B1 to Patel et al. (hereinafter "Patel"). The Applicants respectfully submit the following arguments pointing out significant differences between claims 1, 3-14, 16, 18-25 27, 29-36 and 38-52 under 35 submitted by the Applicant and Patel.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131

citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Patel fails to disclose each and every claimed element. For example, Patel does not disclose, expressly or inherently, retrieving a workflow from a set of workflows, wherein the workflow corresponds to a certificate related action **and a set of characteristics for a user**. Furthermore, Patel fails to disclose, expressly or inherently, retrieving such a workflow by an Identity System that maintains an identity profile for the user or the set of characteristics for the user being from the identity profile.

Patel relates to "a secure end-to-end communication system using [Public Key Infrastructure (PKI)] for conducting electronic commerce." (Col. 3, lines 34-35) Under Patel, "the system includes web based [Registration Authorities (RAs)] and end users coupled to a vault controller." (Col. 3, lines 35-37) "The controller includes a registration application which includes an enrollment component which provides web pages and functions that implement a vault based process of applying and receiving a digital certificate by an end user." (Col. 3, lines 37-41) Patel discloses a method in which "a user submits an enrollment form to the vault controller requesting a certificate." (Col. 3, lines 51-53) The form is validated in the registration application by the enrollment component which in turn submits the approved form to the master registration component for creation of an application for a certificate for the end user. (Col. 3, lines 54-59) "The RA reviews each registration request. As part of the review, the RA may need to perform additional verification of the applicant's request **as determined by an organization's policy** ." (Col. 5, lines 5-8) That is, the registration authority may perform different verification procedures depending upon the requirements of the organization for which the certificate is being issued, i.e., "the customer." In other words, if an end user wants a certificate for company X, a policy is selected and applied based on the requirements of company X, not based on the user or the user's type.

However, Patel does not disclose retrieving, by an Identity System, a workflow for responding to a request wherein said workflow for responding to said request corresponds to

said certificate related action **and a set of characteristics for said user from an identity profile maintained by the Identity System and including a user type**. Assuming for the sake of argument that either the vault controller or the registration authority of Patel can be considered to be an Identity System, Patel does not disclose either of these systems maintaining an identity profile for the users requesting certificates. Further, Patel does not disclose selecting a workflow based on a user type from such an identity profile. Rather, under Patel, the registration authority may perform different verification procedures depending only upon the requirements of the organization for which the certificate is being issued, not a set of characteristics for the user or the type of user.

In response to these arguments, the Office Action contends that "Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references." The Applicants respectfully note that 37 CFR 1.111(b) states in part:

"The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references."

The Applicants have and continue to distinctly and specifically point out the errors in the action and reply to every ground of objection and rejection. Specifically, the Applicants maintain that the rejection under §102(e) based on Patel is improper since Patel fails to disclose, expressly or inherently, each and every claimed limitation. Furthermore, the Applicants have and continue to present arguments pointing out the specific distinctions believed to render the claims patentable over the applied references. Specifically, the Applicants maintain the Patel does not disclose, expressly or inherently, selecting a workflow based on characteristics of the user or where those characteristics are from an identity profile maintained by the system

making the selection. With all due respect, the Applicants believe that this and all previous responses have represented good faith efforts to satisfy 37 CFR 1.111(b). However, the Applicants do not believe that the rule requires acquiescence.

The Office Action refers the Applicants back to the previous Office Actions in which the same, nearly verbatim, rejection has been made. However, the closest any of these Office Actions come to addressing the Applicants argument regarding Patel's lack of teaching of each and every claimed element, specifically, selecting a workflow based on characteristics of the user or where those characteristics are from an identity profile maintained by the system making the selection, is the Office Action dated 12/28/05 in which is cited portions of Patel related to "customizing registration application behavior consistent with customer requirements." (Office Action dated 12/28/05, page 2, para 5 citing Patel col. 3, lines 25-27) Regardless of whether Patel's registration application behavior can be customized, nothing in Patel discloses customizing it to the point of selecting a workflow based on characteristics of the user or where those characteristics are from an identity profile maintained by the system making the selection. Rather, under Patel, the registration authority may perform different verification procedures depending only upon the requirements of the organization for which the certificate is being issued, not a set of characteristics for the user or the type of user.

Claim 1, upon which claims 2-15 depend, claim 16, upon which claims 17-26 depend, and claim 27, upon which claims 28-37 depend, each recite in part "retrieving by the Identity System a workflow for responding to said request from a set of workflows, wherein said set of workflows includes a plurality of workflows for responding to said certificate related action and wherein each workflow in said plurality of workflows corresponds to a different set of characteristics for a user and wherein said workflow for responding to said request corresponds to said certificate related action and a set of characteristics for said user from an identity profile maintained by the Identity System and including a user type." Patel does not disclose retrieving a workflow for responding to a request from a set of workflows, wherein the workflow

corresponds to a set of characteristics for the user including a user type. Rather, under Patel, the registration authority may perform different verification procedures depending only upon the requirements of the organization for which the certificate is being issued, not a set of characteristics for the user or the type of user. Furthermore, Patel does not disclose an Identity System that maintains an identity profile for the user and retrieves a workflow for responding to the request based on a user type or any other information from such an identity profile. For at least these reasons, claims 1, 3-14, 16, 18-25, 27, and 29-36 are distinguishable from Patel and should be allowed.

Claim 38, upon which claims 39-42 depend, claim 43, upon which claims 44-47 depend, and claim 48, upon which claims 49-52 depend, each recite in part "receiving a request for a certificate related action for a user; and retrieving a workflow for responding to said request from a set of workflows, wherein said workflow corresponds to said certificate related action and a set of characteristics for said user, wherein said set of workflows includes a plurality of workflows for responding to said certificate related action, and wherein each workflow in said plurality of workflows corresponds to a different set of characteristics for a user." Patel does not disclose retrieving a workflow for responding to a request wherein the workflow corresponds to a set of characteristics for the user and each workflow corresponds to a different set of characteristics for the user. Rather, under Patel, the registration authority may perform different verification procedures depending only upon the requirements of the organization for which the certificate is being issued, not a set of characteristics for the user. For at least these reasons, claims 38-52 are distinguishable from Patel and should be allowed.

Appl. No. 09/998,893

PATENT

Amdt. dated: March 2, 2007

Amendment Under 37 CFR 1.116 Expedited Procedure

Examining Group 2137

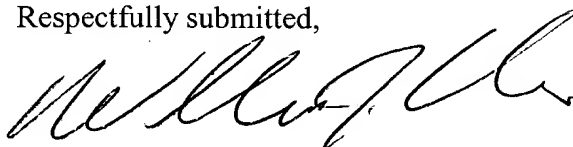
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Respectfully submitted,



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